

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
TACOMA DIVISION

MAXIMUM SEPARATION	)	Civil Action No.: 04-CV-00324
SYSTEMS, INC.	)	
	)	Judge: Burgess
Plaintiff,	)	
	)	
v.	)	
	)	
SOLMETEX, INC.	)	
	)	
Defendant.	)	

**AFFIDAVIT OF NICHOLAS J. MOZZICATO**

I, Nicholas J. Mozzicato, being first duly cautioned and sworn, state that:

1. I am the President of SolmeteX, Inc. ("SolmeteX"). I have personal knowledge of the matters stated herein and would so testify if called upon to give testimony in this matter.
2. SolmeteX is a Delaware corporation having its headquarters in Northborough, Massachusetts, which is located a few miles from Worcester, Massachusetts.
3. I am employed by SolmeteX at its headquarters in Northborough, Massachusetts.
4. I reside nearby Northborough, Massachusetts, and only a few miles from Worcester, Massachusetts.
5. From its headquarters in Massachusetts, SolmeteX manages all aspects of its dental amalgam separators business. This includes development and manufacture of specialized technology for the safe and economic removal of heavy metal contaminants. In particular, SolmeteX designs and manufactures its dental amalgam separators at its headquarters in

Massachusetts. SolmeteX also sells and distributes dental amalgam separators from Massachusetts. Accounting, marketing, and customer service activities also take place there.

6. All of SolmeteX's financial data relating to its dental amalgam separators is located in Massachusetts. This includes all of SolmeteX's quarterly and annual income statements, balance sheets and cash flow statements. Also located at SolmeteX's headquarters in Northborough, Massachusetts are documents and files related to inventory, purchase of materials, costs of goods sold, operating expenses, administrative expenses and overhead costs. Sales documents related to gross revenues, margin and profit are also located in Northborough, Massachusetts. Other sales documents, including quotations, correspondence, bids, proposals, demonstrations, sales calls reports, meeting notes, invoices, purchase orders, bills of lading and price lists, are located in Northborough, Massachusetts. Much of this information is found in SolmeteX's computer systems located in Northborough, Massachusetts. None of these documents or files are located in Washington.

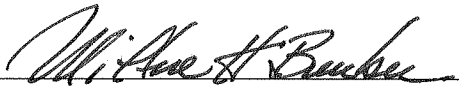
FURTHER AFFIANT SAYETH NAUGHT.

Date: 3-12-04

  
\_\_\_\_\_  
Nicholas J. Mozzicato

STATE OF MASSACHUSETTS )  
 ) ss:  
COUNTY OF WORCESTER )

Subscribed and sworn to before me this 12<sup>th</sup> day of MARCH, 2004.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: June 20, 2008

(SEAL)

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